

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
)	
Petition Pursuant to 47 U.S.C. § 160(c))	WT Docket No. 02-377
For Forbearance From E911)	
Accuracy Standards in Section 20.18(h))	
Of the Commission's Rules)	

COMMENTS OF ACS WIRELESS, INC.

As a Tier III carrier, ACS Wireless, Inc. ("ACSW") supports the Petition for Forbearance filed on November 20, 2002 by the Tier III Coalition for Wireless E911. As detailed in the Petition for Forbearance, it is in the public interest to forbear from enforcing the Phase II accuracy requirements set forth in 47 C.F.R. § 20.18 on Tier III carriers at this time. Accordingly, ACSW joins the Tier III Coalition in requesting that the Commission forbear from enforcing its Phase II accuracy requirements, with respect to Tier III carriers, for a limited time.

ANALYSIS

In its Petition for Forbearance, the Tier III Coalition aptly details for the Commission the difficulties associated with deploying an accurate Phase II location solution in a rural environment. First, there are significant technical differences between rural and urban markets. In many locations, rural networks are not configured in a matrix-style pattern like their urban counterparts. Accordingly, signal triangulation at those locations is extremely difficult or impossible. Like the Tier III Coalition members, ACSW has numerous cell towers that are deployed linearly along the few rural highways

in Alaska. ACSW also has a number of remote stand-alone cell sites. While this configuration enables ACSW to provide service to many of the most rural and remote areas of Alaska, it does not permit signal triangulation.

Second, the Tier III Coalition highlights the economic and supply challenges faced by rural carriers. ACSW concurs with the assessment of the Tier III Coalition that location solutions are not likely to be manufactured solely for rural carriers because of their lack of market power. As a result, rural carriers are forced to try to successfully implement solutions that do not conform to the specific parameters of their networks and are prohibitively expensive. This obstacle is significant and compromises the availability of equipment that can provide the service to the accuracy standard set by the Commission.

Third, the Tier III Coalition clarifies that, for rural sparsely populated and sparingly developed areas, the same accuracy standards that apply to densely populated urban areas may not be necessary to ensure that the ultimate public safety goals of the Commission are achieved. In Alaska, in many instances, the public safety can be readily achieved through provision of Phase I information or less accurate Phase II information. For example, between most communities, there is only one travel route, *e.g.*, there is only one highway from Anchorage to Fairbanks. For 911 calls placed from that highway, where cell towers are deployed like pearls on a string, a 911 caller could be located efficiently by providing the PSAP information about the cell site from which the call originated. Similarly, in rural communities where there are no high rise buildings, callers could be successfully located with much less specific Phase II information. Accordingly, in remote rural areas where there are few buildings and few people, location information

to the accuracy standards set forth in § 20.18 may do nothing to make the 911 caller easier to physically locate nor would it make the emergency response faster.

As the Tier III Coalition stresses, the intent of its Petition for Forbearance is not to avoid its public safety obligations or to subvert the Commission's laudable public safety goals. On the contrary, the Tier III Coalition only seeks to ensure that the rules applicable to the uniquely situated Tier III rural carriers are rational, reasonable and account for the special circumstances of such carriers. The Tier III Coalition seeks to ensure that the accuracy standards applicable to rural carriers are based on real world experience. Specifically, the Tier III Coalition requests that rural carriers be permitted to deploy location technology in their networks for a limited period of time before being held to the § 20.18 accuracy standards so that they can test location solutions in their networks, collect data on the effectiveness of the available location technologies and determine what accuracy level is achievable in rural networks.

Thus, if forbearance is granted, Tier III carriers will still deploy Phase II solutions and equipment. Tier III carriers will still provide Phase II information to PSAPs when requested and will still strive for the highest level of accuracy possible in rural environments. As a result, rural consumers will still have access to wireless services and the inherent public safety benefits they provide. The Tier III carriers simply will not be held to an accuracy standard that has not been shown to be realistic, workable or necessary for rural networks, for a period of time while solutions are deployed and tested in real situations on their networks.

CONCLUSION

For the foregoing reasons, ACSW supports the Petition for Forbearance filed by the Tier III Coalition and respectfully requests that the Commission forbear from enforcing its Phase II accuracy requirements for all Tier III carriers in accordance with the Petition. By granting a limited forbearance for Tier III carriers, the Commission will ensure that its regulations are applied flexibly and that they are appropriately tailored to address the special considerations of rural networks. At the same time, the Commission will ensure that rural consumers continue to have access to advanced wireless and enhanced 911 services.

Respectfully submitted on this 24th day of January, 2003.

ACS Wireless, Inc.

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